

Senate Engrossed

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

CHAPTER 20

# **SENATE BILL 1106**

AN ACT

AMENDING SECTION 13-3701, ARIZONA REVISED STATUTES; RELATING TO UNLAWFUL USE  
OF FOOD STAMPS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3701, Arizona Revised Statutes, is amended to  
3 read:

4 13-3701. Unlawful use of food stamps; classification;  
5 definitions

6 A. A person commits unlawful use of food stamps if ~~such~~ THE person  
7 knowingly:

8 1. Uses, transfers, acquires, possesses or redeems food stamps by  
9 means of a false statement or representation, a material omission or the  
10 failure to disclose a change in circumstances, ~~OR by any other fraudulent~~  
11 ~~device. or in any other manner not authorized by law or by the department of~~  
12 ~~economic security; or~~

13 2. Counterfeits, alters, uses, transfers, acquires or possesses  
14 counterfeited or altered food stamps or electronic benefit transfer cards.  
15 ~~; or~~

16 3. Appropriates food stamps with which the person has been entrusted  
17 or of which the person has gained possession by virtue of a position as a  
18 public employee.

19 ~~4. Uses, after an unlawful transfer, the food stamps of another~~  
20 ~~person.~~

21 4. BUYS, SELLS, TRANSFERS, ACQUIRES OR REDEEMS FOOD STAMPS, OR  
22 ELIGIBLE FOOD PURCHASED WITH FOOD STAMPS, IN EXCHANGE FOR CASH OR  
23 CONSIDERATION OTHER THAN ELIGIBLE FOOD.

24 B. Unlawful use of food stamps under subsection A, paragraph 1 is a  
25 class 1 misdemeanor if the value of the food stamps is one hundred dollars or  
26 less, or a class 6 felony if the value is over one hundred dollars. Unlawful  
27 use of food stamps under subsection A, paragraphs 2, 3 and 4 is a class 5  
28 felony.

29 C. For the purposes of this section: ~~—~~

30 1. "ELIGIBLE FOOD" MEANS ANY OF THE FOLLOWING:

31 (a) ANY FOOD OR FOOD PRODUCT THAT IS INTENDED FOR HUMAN CONSUMPTION  
32 EXCEPT ALCOHOLIC BEVERAGES, TOBACCO AND HOT FOODS AND HOT FOOD PRODUCTS THAT  
33 ARE PREPARED FOR IMMEDIATE CONSUMPTION.

34 (b) SEEDS AND PLANTS TO GROW FOODS FOR THE PERSONAL CONSUMPTION OF AN  
35 ELIGIBLE HOUSEHOLD.

36 (c) MEALS THAT ARE PREPARED AND DELIVERED BY AN AUTHORIZED MEAL  
37 DELIVERY SERVICE TO A HOUSEHOLD THAT IS ELIGIBLE TO USE COUPONS TO PURCHASE  
38 DELIVERED MEALS OR MEALS THAT ARE SERVED BY AN AUTHORIZED COMMUNAL DINING  
39 FACILITY FOR THE ELDERLY OR FOR A SUPPLEMENTAL SECURITY INCOME HOUSEHOLD, OR  
40 BOTH, TO A HOUSEHOLD THAT IS ELIGIBLE TO USE COUPONS FOR COMMUNAL DINING.

41 (d) MEALS THAT ARE PREPARED AND SERVED BY A DRUG ADDICT OR ALCOHOLIC  
42 TREATMENT AND REHABILITATION CENTER TO NARCOTIC ADDICTS OR ALCOHOLICS AND THE  
43 CHILDREN WHO LIVE WITH THE NARCOTIC ADDICT OR ALCOHOLIC.

44 (e) MEALS THAT ARE PREPARED AND SERVED BY A GROUP LIVING ARRANGEMENT  
45 FACILITY TO RESIDENTS WHO ARE BLIND OR WHO HAVE A DISABILITY.

1 (f) MEALS THAT ARE PREPARED AND SERVED BY A SHELTER FOR BATTERED WOMEN  
2 AND CHILDREN TO THE SHELTER'S ELIGIBLE RESIDENTS.

3 (g) MEALS THAT ARE PREPARED FOR AND SERVED BY AN AUTHORIZED PUBLIC OR  
4 PRIVATE NONPROFIT ESTABLISHMENT, INCLUDING A SOUP KITCHEN OR TEMPORARY  
5 SHELTER, THAT IS APPROVED BY AN APPROPRIATE STATE OR LOCAL AGENCY AND THAT  
6 FEEDS HOMELESS PERSONS.

7 (h) MEALS THAT ARE PREPARED BY A RESTAURANT THAT CONTRACTS WITH AN  
8 APPROPRIATE STATE AGENCY TO SERVE MEALS TO HOMELESS PERSONS AND HOUSEHOLDS IN  
9 WHICH ALL PERSONS ARE ELDERLY OR DISABLED AT LOW OR REDUCED PRICES.

10 2. "Food stamps" includes food stamp coupons and electronically  
11 transferred supplemental nutrition assistance program benefits.

APPROVED BY THE GOVERNOR MARCH 14, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 15, 2016.

Passed the House March 10, 20 16,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]

Speaker of the House

*Pro Tempore*

[Signature]  
Chief Clerk of the House

Passed the Senate February 11, 20 16,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

[Signature]

President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14th day of March, 20 16,

at 1:52 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 14th day of

March, 20 16,

at 4:25 o'clock P. M.

[Signature]  
Governor of Arizona

S.B. 1106

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 15 day of March, 20 16,

at 9:46 o'clock A. M.

[Signature]  
Secretary of State